



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

AUG 25 2015

Mr. Ronald Kofron, CEG
Apex Companies, LLC
10675 Sorrento Valley Rd. Suite 203
San Diego, CA 92121

Re: USEPA Conditional Approval of PCB Cleanup Plan for Former Indio Substation at Highway 111 and King Street, Indio, California

Dear Mr. Kofron:

Thank you for working with the U.S. Environmental Protection Agency, Region 9 ("USEPA") to address the disposal of polychlorinated biphenyls ("PCBs") found at the former Indio substation located at the northeast corner of the intersection of Highway 111 and King Street in Indio, California (the "Site"). USEPA has received and reviewed the *PCB Cleanup Plan* (the "Workplan") dated August 14, 2015 that was prepared by Apex Companies, LLC ("Apex") on behalf of the Imperial Irrigation District ("IID"), which outlines Apex's plan for remediation and disposal of soils and concrete containing PCBs at the Site as well as post-remediation verification.

The Workplan describes soil excavation and demolition of a small on-site building, and subsequent disposal of concrete and soil with levels of PCBs over 50 mg/kg (ppm) consistent with the Toxic Substances Control Act ("TSCA") standards. Because the Site is adjacent to a church and a single family residence, Apex will remediate the Site to meet USEPA's regional screening level of 0.24 ppm total PCBs for residential land use.

USEPA is approving Apex's Workplan with conditions pursuant to 40 C.F.R. § 761.61(c) (i.e., risk-based disposal standards of TSCA) and Paragraph 43(e)(iii) of the Consent Agreement and Final Order (the "CAFO") between IID and USEPA dated February 11, 2015. Apex shall implement the Workplan as modified by the conditions listed below.

USEPA Conditions of Approval and Additional Comments:

1. **Section 3.16 Confirmation Sampling:** Where confirmation sample results exceed 0.24 ppm under hardscape, making excavation difficult, Apex shall coordinate with USEPA via email about how to proceed and USEPA will provide direction via email. Depending on levels of PCBs in soil under hardscape, a risk analysis may justify leaving the soil in place.
2. **Disposal of PCBs:** Apex shall dispose of all waste that it generates during the PCB cleanup in accordance with the TSCA PCB regulations and other applicable federal, state, and local regulations. In determining the disposal method for the waste, Apex must comply with the anti-dilution requirements in 40 C.F.R. § 761.1(b). All bulk PCB remediation waste (i.e., concrete and soil) must be disposed of in accordance with the requirements in 40 C.F.R. § 761.61(a)(5). Apex must select appropriate disposal facilities based on the in-situ PCB concentrations of the waste.
3. **PCB Cleanup Waste Disposal:** Cleanup waste (e.g., personal protective equipment, rags, gloves, booties) shall be disposed of in accordance with 40 C.F.R. § 761.61(a)(5)(v). Disposal of all waste shall be in accordance with all federal, state, and local regulations.

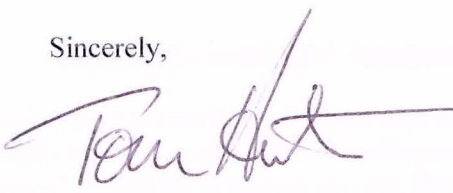
4. **Equipment Decontamination:** Apex shall decontaminate non-disposable sampling tools and equipment, as well as movable equipment used during cleanup and/or additional sampling in accordance with 40 C.F.R. § 761.79(c)(2). Decontamination residues must be disposed of at their original concentration in accordance with the requirements in 40 C.F.R. § 761.79(g). Recordkeeping of the decontamination events must be maintained in accordance with the requirements in 40 C.F.R. § 761.79(f)(2). These procedures must be implemented in a manner that is protective of human health and the environment consistent with the requirements in 40 C.F.R. § 761.79(e).
5. **PCB Disposal Completion Report:** As required by Paragraph 43(e)(v) of the CAFO, Apex shall submit on behalf of IID a PCB cleanup report to USEPA within 120 days of the date of this approval letter. The cleanup report shall include all relevant data and justification demonstrating that the work completed is consistent with this approval. Apex must address at a minimum all the reporting requirements set forth at 40 C.F.R. § 761.61(a)(9) and 40 C.F.R. § 761.125(c)(5). Apex shall also include figures, surveys, or GPS coordinates depicting the location and results for all site characterization samples, verification samples, and any PCBs left under a cap.
6. **Future Proposed Modifications to Cleanup Plan:** Apex shall request any changes to the approved cleanup plan via email to USEPA, and USEPA will provide any response to the request via email.

This approval does not relieve Apex nor IID from complying with all other applicable federal, state, and local regulations and permits. Departure from the conditions of the approval without prior written permission from USEPA may result in the commencement of proceedings to revoke this approval, and/or an enforcement action. Nothing in this approval bars USEPA from imposing penalties for violations of this approval or for violations of other applicable TSCA PCB requirements or for activities not covered under this approval.

This approval only applies to the Site. USEPA reserves the right to require additional characterization and/or cleanup of PCBs at the Site if new information during additional site characterization, cleanup verification, and/or during future post-cleanup activities (e.g. redevelopment or post-redevelopment) at the property shows that PCBs remain at the Site above the approved PCB cleanup level. In addition, USEPA may require cleanup of areas immediately adjacent to the site if those areas are found to be impacted by PCBs from the Site.

USEPA appreciates the opportunity to assist Apex and IID with this PCB cleanup. If you have any questions regarding this approval, please contact Sara Ziff at (415) 972-3536 or ziff.sara@epa.gov. Thank you for your cooperation.

Sincerely,


for Jeff Scott, Director
Land Division

cc: Michael Kemp, Imperial Irrigation District
Benjamin Rubin, Nossaman LLP